

FILED BY D.C.

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

05 DEC 28 PM 2:36

AMERISPEC, INC.,

Plaintiff,

v.

JAMES and JENNIFER BORING,

Defendants.

Case No: 2:05cv2678-D/P

THOMAS H. COULD
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS

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WESTERN DISTRICT OF TENNESSEE
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FILED BY D.C.
05 DEC 29 AM 7:30

**STIPULATION FOR
PERMANENT INJUNCTION BY CONSENT**

Plaintiff AmeriSpec, Inc. ("AmeriSpec") and Defendants James and Jennifer Boring ("Defendants") by and through their counsel of record hereby stipulate as follows:

1. AmeriSpec and Defendants desire to compromise certain causes of action set forth in the pleadings of the above-entitled matter, and avoid the cost, expense and risk associated with the continued prosecution of this action.
2. AmeriSpec initiated this action to obtain injunctive relief to prevent trademark infringement and to enforce certain provisions of the Franchise Agreement between the parties, including, but not limited to, the post-termination covenant not to compete.
4. The parties acknowledge that they have voluntarily chosen to enter into this Stipulation with the full benefit of the advice of counsel.
5. Defendants specifically acknowledge that although a bond may have been required before AmeriSpec could obtain its requested Permanent Injunction at hearing, they agree that the below proposed order shall not require AmeriSpec to post a bond.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on

15

Based on the foregoing, the parties hereby stipulate to the entry of the Stipulated Permanent Injunction by Consent and Dismissal With Prejudice in the form attached hereto as Exhibit "A."

Dated: December 14, 2005

AMERISPEC, INC.

By Its Attorneys:

**GRAY, PLANT, MOOTY, MOOTY
& BENNETT, P.A.**

By: 

Michael R. Gray (#175602)
500 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402
Telephone: (612) 632-3000

Dated: December 14, 2005

JAMES AND JENNIFER BORING

By Their Attorney:

HOLLAND & ASSOCIATES, PLLC

By: 

Maureen T. Holland (#15202)
1429 Madison Avenue
Memphis, Tennessee 38104
Telephone: (901) 278-8120

GP:1771754 v1

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WESTERN DISTRICT OF TENNESSEE
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AMERISPEC, INC.,

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Case No: 2:05cv2678-D/P

**PERMANENT INJUNCTION BY CONSENT AND ORDER FOR
DISMISSAL WITH PREJUDICE**

THE COURT, having considered Plaintiff AmeriSpec, Inc.'s ("AmeriSpec") Motion for Preliminary Injunction, and pursuant to the Stipulation of counsel for AmeriSpec and counsel for Defendants James and Jennifer Boring ("Defendants"), pursuant to FED. R. CIV. P. 65, and being fully advised, HEREBY ORDERS:

1. That Defendants, James and Jennifer Boring, together with their officers, agents, servants, employees and attorneys, and all others in active concert or participation with them:

(a) shall not, for a period of one year from November 8, 2005, either directly or indirectly, own, operate, engage in, be employed by, consult with, or have any interest in any business which conducts any type of residential or commercial real estate inspection service, or provide property inspection services in Defendant's former AmeriSpec franchised territory, or within ten miles of Defendants' former AmeriSpec franchised territory, as set forth in the map attached hereto;

EXHIBIT A

(b) shall not use, display, reference, dilute or infringe on any of AmeriSpec's trademarks, trade names or commercial symbols;

(c) shall immediately assign to AmeriSpec the telephone number (901) 382-8848.

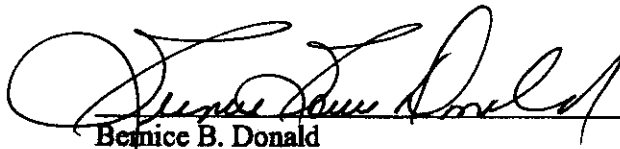
2. It is FURTHER ORDERED that Defendants, together with their officers, agents, employees, servants, attorneys, or others acting for or on their behalf, shall comply with all post-termination obligations contained in the Franchise Agreement.

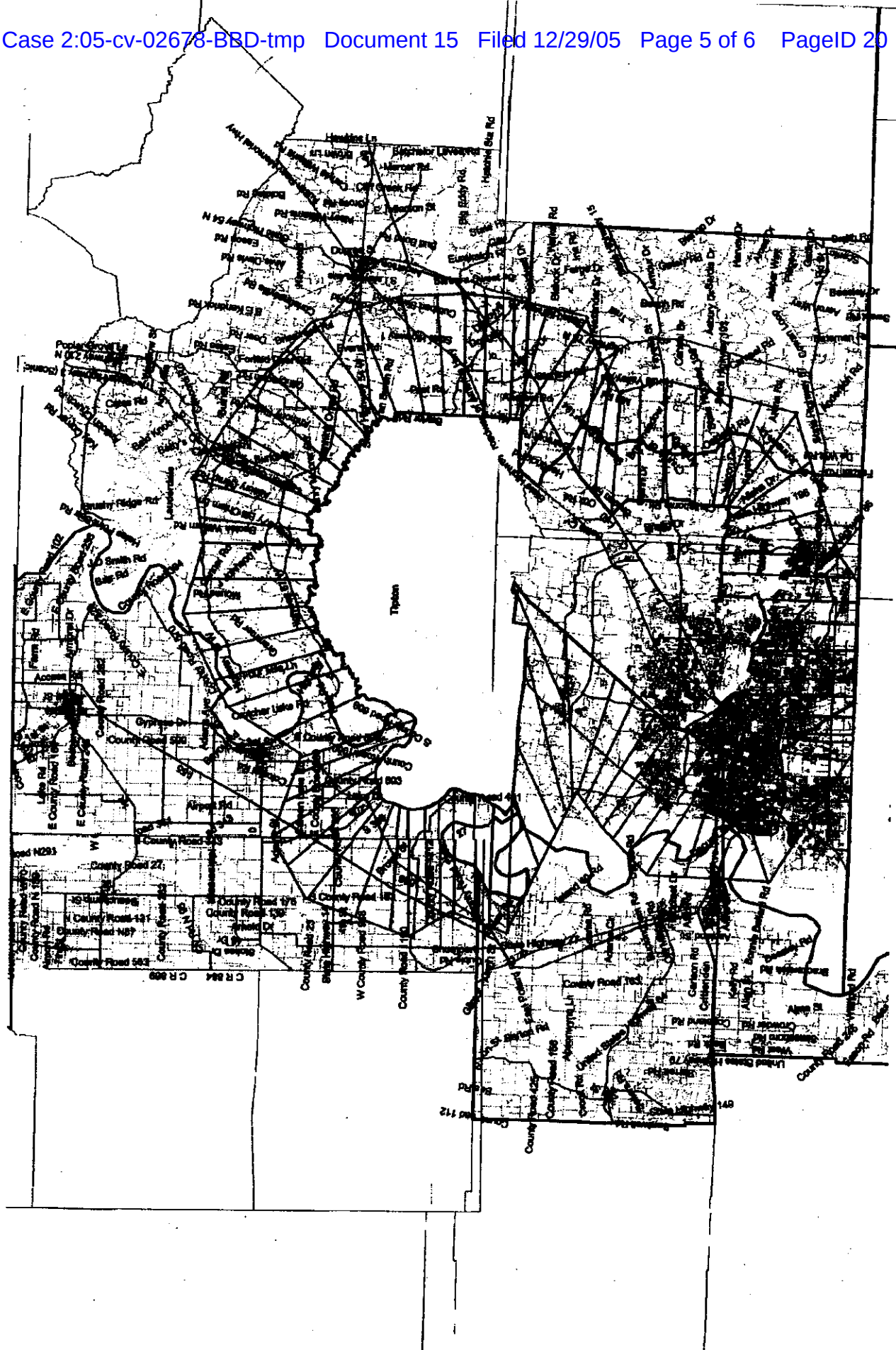
4. It is FURTHER ORDERED that upon entry of this Permanent Injunction this Court shall enter a Judgment of Dismissal with Prejudice upon the merits and without costs or disbursements to either party; and

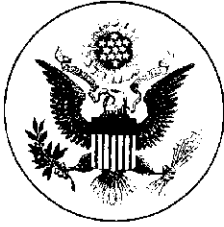
5. It is FURTHER ORDERED that service of this Order upon counsel for Defendants via U.S. mail shall be effective service on Defendants under Fed. R. Civ. P. 65.

Let judgment be entered accordingly.

Dated: December 28th, 2005


Bernice B. Donald
United States District Judge





Notice of Distribution

This notice confirms a copy of the document docketed as number 15 in case 2:05-CV-02678 was distributed by fax, mail, or direct printing on December 29, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT